

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

---

LORNA GERIS, Individually, and as Personal Representative of the Estate of FRED GERIS, and as Parent and Natural Guardian of CHRISTOPHER, MATTHEW, and KRISTINE GERIS; and the WORKPLACE SAFETY & INSURANCE BOARD OF ONTARIO, as Subrogee,

Plaintiffs,

v.

DiSILVA TAUNTON EXPRESS, INC.,  
and JOSE L. MARTE,

Defendants.

---

**NOTICE OF MOTION  
FOR AN ORDER EXTENDING  
PLAINTIFFS TIME  
TO RESPOND TO  
DEFENDANTS' OPPOSITION  
TO PLAINTIFFS' CROSS-  
MOTION FOR SUMMARY  
JUDGMENT AND THE  
DISCOVERY CUT OFF DATE**

case No.: 1:07-CV-376-JTC

**NATURE OF ACTION:**

Personal Injury/Wrongful Death.

**MOVING PARTY:**

Plaintiffs Lorna Geris, Individually, and as Personal Representative of the Estate of Fred Geris, and as Parent and Natural Guardian of Christopher, Matthew, and Kristine Geris; and the Workplace Safety & Insurance Board of Ontario.

**DIRECTED TO:**

Defendants.

**DATE AND TIME:**

To Be Determined.

**PLACE:**

United States Courthouse, 2 Niagara Square,  
Buffalo, New York 14202.

**SUPPORTING PAPERS:**

Declaration of Paul Morrison-Taylor, Esq.  
dated May 7, 2013.

**ANSWERING PAPERS:**

If any, are to be served in accordance with the Local Rules of the Court.

**RELIEF REQUESTED:**

An Order Granting Plaintiffs an Extension in which to Reply to Defendants' Opposition to Plaintiffs' Cross-Motion for Summary

Judgment to and including June 28, 2013 and  
an Order Extending the Discovery Cut-Off  
Date to and including September 14, 2013.

**ORAL ARGUMENT:**

None Requested.

DATED: Buffalo, New York  
May 7, 2013

PHILLIPS LYTTLE LLP

By: /s/ Paul Morrison-Taylor

Paul Morrison-Taylor

Craig A. Leslie

*Attorneys for Plaintiffs*

3400 HSBC Center

Buffalo, New York 14203-2887

(716) 847-8400

ptaylor@phillipslytle.com

cleslie@phillipslytle.com

TO: RUPP, BAASE, PFALZGRAF,  
CUNNINGHAM & COPPOLA LLC  
R. Anthony Rupp, III, Esq.  
Joshua P. Rubin, Esq.  
Attorneys for Defendants  
1600 Liberty Building  
Buffalo, New York 14202  
Telephone No.: (716) 854-3400  
[rupp@ruppbaase.com](mailto:rupp@ruppbaase.com)  
[rubin@ruppbaase.com](mailto:rubin@ruppbaase.com)

Doc #01-2665135.1